

## STATUTORY INSTRUMENTS

# 1998 No. 1357

## HEALTH AND SAFETY

### The Control of Substances Hazardous to Health (Amendment) Regulations 1998

<i>Made</i>	- - - -	<i>31st May 1998</i>
<i>Laid before Parliament</i>		<i>8th June 1998</i>
<i>Coming into force</i>	- -	<i>30 June 1998</i>

The Secretary of State, in exercise of the powers conferred on him by sections 15(1) and (2) of, and paragraph 1(1)(b) of Schedule 3 to, the Health and Safety at Work etc. Act 1974<sup>(1)</sup> and of all other powers enabling him in that behalf and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the said Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:

PROSPECTIVE

#### Citation and commencement

1. These Regulations may be cited as the Control of Substances Hazardous to Health (Amendment) Regulations 1998 and shall come into force on 30 June 1998.

#### Commencement Information

**II** Reg. 1 in force at 30.6.1998, see [reg. 1](#)

#### Amendment of the Control of Substances Hazardous to Health Regulations 1994

2.—(1) The Control of Substances Hazardous to Health Regulations 1994<sup>(2)</sup> shall be amended in accordance with the following provisions of this regulation.

(2) In Schedule 1—

(1) 1974 c. 37; sections 15(1) and 50(3) were amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraphs 6 and 16(3) respectively.  
(2) S.I. 1994/3246; relevant amending instruments are S.I. 1996/2001, S.I. 1996/3138 and S.I. 1997/11.

**Status:** This version of this Instrument contains provisions that are prospective.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Control of Substances Hazardous to Health (Amendment) Regulations 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) in the entry in the second column corresponding to the entry for vinyl chloride in the first column, for the formula “CH<sub>2</sub>=CHCl” there shall be substituted the formula “CH<sub>2</sub>=CHCl”;
- (b) after the words “Vinylidene chloride” in the first column, insert (in the first column) the word “(1,1-Dichloroethylene)”.
- (3) For Schedule 2 there shall be substituted the Schedule to these Regulations.
- (4) In Schedule 8, for the words “B,B'Dichlorodiethyl” substitute “β,β'-Dichlorodiethyl”.

**Commencement Information**

**I2** Reg. 2 in force at 30.6.1998, see [reg. 1](#)

Signed by authority of the Secretary of State

*Angela Eagle*  
Parliamentary Under Secretary of State,  
Department of Environment, Transport and the  
Regions

31st May 1998

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PROSPECTIVE

SCHEDULE

Regulation 2(3)

**Commencement Information**

**I3** Sch. in force at 30.6.1998, see [reg. 1](#)

“SCHEDULE 2

Regulation 4(1)

PROHIBITION OF CERTAIN SUBSTANCES  
HAZARDOUS TO HEALTH FOR CERTAIN PURPOSES

<b>Column 1</b> <i>Description of substance</i>	<b>Column 2</b> <i>Purpose for which the substance is prohibited</i>
<p><b>1.</b> 2-Naphthylamine; benzidine; 4-aminodiphenyl; 4-nitrodiphenyl; their salts and any substance containing any of those compounds, in a total concentration equal to or greater than 0.1 per cent by mass.</p>	<p>Manufacture and use for all purposes including any manufacturing process in which a substance described in column 1 of this item is formed.</p>
<p><b>2.</b> Sand or other substance containing free silica.</p>	<p>Use as an abrasive for blasting articles in any blasting apparatus.</p>
<p><b>3.</b> A substance—</p> <p>(a) containing compounds of silicon calculated as silica to the extent of more than 3 per cent by weight of dry material, other than natural sand, zirconium silicate (zircon), calcined china clay, calcined aluminous fireclay, sillimanite, calcined or fused alumina, olivine; or</p> <p>(b) composed of or containing dust or other matter deposited from a fettling or blasting process.</p>	<p>Use as a parting material in connection with the making of metal castings.</p>
<p><b>4.</b> Carbon disulphide.</p>	<p>Use in the cold-cure process of vulcanising in the proofing of cloth with rubber.</p>
<p><b>5.</b> Oils other than white oil, or oil of entirely animal or vegetable origin or entirely of mixed animal and vegetable origin.</p>	<p>Use for oiling the spindles of self-acting mules.</p>

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<b>Column 1</b> <i>Description of substance</i>	<b>Column 2</b> <i>Purpose for which the substance is prohibited</i>
<p>6. Ground or powdered flint or quartz other than natural sand.</p>	<p>Use in relation to the manufacture or decoration of pottery for the following purposes—</p> <ul style="list-style-type: none"> <li>the placing of ware for the biscuit fire;</li> <li>the polishing of ware;</li> <li>as the ingredient of a wash for saggars, trucks, bats, cranks, or other articles used in supporting ware during firing; and</li> <li>as dusting or supporting powder in potters' shops.</li> </ul>
<p>7. Ground or powdered flint or quartz other than—</p> <ul style="list-style-type: none"> <li>(a) natural sand; or</li> <li>(b) ground or powdered flint or quartz which forms parts of a slop or paste.</li> </ul>	<p>Use in relation to the manufacture or decoration of pottery for any purpose except—</p> <ul style="list-style-type: none"> <li>use in a separate room or building for— <ul style="list-style-type: none"> <li>(i) the manufacture of powdered flint or quartz, or</li> <li>(ii) the making of frits or glazes or the making of colours or coloured slips for the decoration of pottery;</li> </ul> </li> <li>use for the incorporation of the substance into the body of ware in an enclosure in which no person is employed and which is constructed and ventilated to prevent the escape of dust.</li> </ul>
<p>8. Dust or powder of a refractory material containing not less than 80 per cent of silica other than natural sand.</p>	<p>Use for sprinkling the moulds of silica bricks, namely bricks or other articles composed of refractory material and containing not less than 80 per cent of silica.</p>
<p>9. White phosphorus.</p>	<p>Use in the manufacture of matches.</p>
<p>10. Hydrogen cyanide.</p>	<p>Use in fumigation except when—</p> <ul style="list-style-type: none"> <li>released from an inert material in which hydrogen cyanide is absorbed;</li> <li>generated from a gassing powder; or</li> <li>applied from a cylinder through suitable piping and applicators other than for fumigation in the open air to control or kill mammal pests.</li> </ul>
<p>11. Benzene and any substance containing benzene in a concentration equal to or greater than 0.1 per cent by mass, other than—</p> <ul style="list-style-type: none"> <li>(a) motor fuels covered by Council Directive <a href="#">85/210/EEC</a> (OJ No. L96, 3.4.85, p. 25);</li> <li>(b) waste covered by Council Directives <a href="#">75/442/EEC</a> (OJ No. L194, 25.7.75, p. 39), as amended by Council Directive <a href="#">91/156/EEC</a> (OJ No. L78,</li> </ul>	<p>Use for all purposes except—</p> <ul style="list-style-type: none"> <li>use in industrial processes; and</li> <li>for the purposes of research and development or for the purpose of analysis.</li> </ul>

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<b>Column 1</b> <i>Description of substance</i>	<b>Column 2</b> <i>Purpose for which the substance is prohibited</i>
<p>26.3.91, p. 32) and <a href="#">91/689/EEC</a> (OJ No. L377, 31.12.91, p. 20).</p> <p><b>12.</b> The following substances—</p> <ul style="list-style-type: none"> <li>Chloroform CAS No. 67-66-3;</li> <li>Carbon tetrachloride CAS No. 56-23-5;</li> <li>1,1,2-Trichloroethane CAS No. 79-00-5;</li> <li>1,1,2,2-Tetrachloroethane CAS No. 79-34-5;</li> <li>1,1,1,2-Tetrachloroethane CAS No. 630-20-6;</li> <li>Pentachloroethane CAS No. 76-01-7;</li> <li>Vinylidene chloride (1,1-Dichloroethylene) CAS No. 75-35-4;</li> <li>1,1,1-Trichloroethane CAS No. 71-55-6, and any substance containing one or more of those substances in a concentration equal to or greater than 0.1 per cent by mass, other than—</li> <li>(a) medicinal products;</li> <li>(b) cosmetic products.</li> </ul>	<p>Supply for use at work in diffusive applications such as in surface cleaning and the cleaning of fabrics except for the purposes of research and development or for the purpose of analysis.”</p>
<p>In this Schedule—</p> <p>“aerosol dispenser” means an article which consists of a non-reusable receptacle containing a gas compressed, liquefied or dissolved under pressure, with or without liquid, paste or powder and fitted with a release device allowing the contents to be ejected as solid or liquid particles in suspension in a gas, as a foam, paste or powder or in a liquid state;</p> <p>“blasting apparatus” means apparatus for cleaning, smoothing, roughening or removing of part of the surface of any article by the use as an abrasive of a jet of sand, metal shot or grit or other material propelled by a blast of compressed air or steam or by a wheel;</p> <p>“CASNo.” is the number assigned to a substance by the Chemical Abstract Service;</p> <p>“cosmetic product” has the meaning assigned to it in regulation 2(1) of the Cosmetic Products (Safety) Regulations 1996<sup>(3)</sup> (and includes any aerosol dispenser containing a cosmetic product);</p> <p>“gassing powder” means a chemical compound in powder form which reacts with atmospheric moisture to generate hydrogen cyanide;</p> <p>“medicinal product” means a substance or preparation which is—</p> <ul style="list-style-type: none"> <li>(a) intended for use as a medicinal product within the meaning of section 130 of the Medicines Act 1968<sup>(4)</sup>, or</li> <li>(b) a substance or preparation specified in an order made under section 104 or 105 of the Medicines Act 1968 which is for the time being in force and which directs that specified provisions of that Act shall have effect in relation to that substance or preparation as such provisions have effect in relation to medicinal products within the meaning of that Act;</li> </ul> <p>“use as a parting material” means the application of the material to the surface or parts of the surface of a pattern or of a mould so as to facilitate the separation of the pattern from the mould or the separation of parts of the mould;</p>	

<sup>(3)</sup> S.I. 1996/2925.

<sup>(4)</sup> 1968 c. 67.

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“white oil” means a refined mineral oil conforming to a specification approved by the Health and Safety Executive and certified by its manufacturer as so conforming.

PROSPECTIVE

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

1. These Regulations implement as regards Great Britain that part of Commission Directive [96/55/EC](#) (OJ No. L231, 12.9.96, p. 20) adapting to technical progress for the 2nd time Annex I to Council Directive [76/769/EEC](#) (OJ No. L262, 27.9.76, p. 201) on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations which relates to supply of specified substances for use at work. They do so by amending the Control of Substances Hazardous to Health Regulations 1994 (S.I. [1994/3246](#)).
2. Regulation 2(2) corrects an error in Schedule 1 of the principal Regulations, in the chemical formula for vinyl chloride, and amends Schedule 1 of the principal Regulations to include an alternative name for the substance vinylidene chloride.
3. Regulation 2(3) substitutes for Schedule 2 to those Regulations the Schedule set out in these Regulations. This adds to the list of those substances hazardous to health prohibited for specified purposes certain chlorinated solvents whose supply for use at work in diffusive applications is prohibited.
4. Regulation 2(4) corrects an error in Schedule 8 of the principal Regulations, in the chemical name for mustard gas.
5. A copy of the cost assessment prepared in respect of these Regulations can be obtained from the Health and Safety Executive, Economic Advisers Unit, Rose Court, 2 Southwark Bridge, London SE1 9HS. Copies have been placed in the Library of each House of Parliament.

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**Changes and effects yet to be applied to :**

- Sch. coming into force by [S.I. 1998/1357 reg. 1](#)
- Regulations revoked by [S.I. 1999/437 reg. 18\(1\)\(d\)](#)
- reg. 1 coming into force by [S.I. 1998/1357 reg. 1](#)
- reg. 2 coming into force by [S.I. 1998/1357 reg. 1](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- Act revoked by [S.I. 1999/437 reg.18\(1\)](#)